IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

JUDGMENT

1. SB CIVIL MISC. APPEAL NO.387/2005
2. SB CIVIL CROSS OBJECTIONS NO.13/2006

Badan Singh
V/s
Sharda & Ors.

Date of order : : 17.10.2006

HON'BLE MR. JUSTICE P.S. ASOPA

Mr.Anand Sharma, for the appellant.
Mr.D.K. Garg, Cross Objector.

This is an appeal filed by the owner against the impugned award dated 9.9.2004 in MAC No.250/2004 passed by MACT (Fast Track) No.1, Dholpur whereby in all compensation of Rs.20,000/- along with 6% interest was granted to the respondent Sharda Devi for the injuries sustained by her.

The submission of counsel for the owner is that Smt. Sharda Dvi was travelling in the Bus on the date of accident and in the Claims Tribunal the Driver has not impleaded as party. Further, there is no reason to exempt the Insurance Company from making the payment.

I have gone through the finding of the Tribunal on the aforesaid issue as well as award of compensation.

As per evidence, the injured was travelling in the Bus of the appellant and the Driver is not the necessary party. The Insurance Company has rightly been held not liable.

As regard, enhancement of compensation claimed by Smt.Sharda Devi in cross objection, I equally also not find any reason for enhancement of compensation on account of the fact that considering the injuries sustained by her, the Claims Tribunal has rightly awarded the amount of Rs.20,000/- which has been bifurcated as Rs.15,000/- for medical treatment and Rs.5000/- for pain suffering in future.

In view of above, the appeal as well as cross objection are devoid of force and the same are dismissed.

(P.S. ASOPA) J.

ummed/-